

December 3, 2004



Jew 1645
AP

Re: U.S. Patent Application No. TO BE ASSIGNED
Title: IDENTIFICATION OF SORTASE GENE
Filed: October 18, 2004
Our Reference No.: 39750-0791D1

Dear Examiner Navarro:

Please accept our apologies for the late arrival of the attached reference cited in the Information Disclosure Statement filing of November 15, 2004.
Our records show that this reference was inadvertently missing from the original filing sent by US Postal Express Mail Service on this same date.

We apologize for this occurrence and thank you for this consideration.

Heller Ehrman White & McAuliffe LLP
275 Middlefield Road
Menlo Park, CA 94025-3506

**COPY**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:) Examiner: To Be Assigned
Olaf SCHNEEWIND, et al.) Art Unit: To Be Assigned
Application Serial No. To Be Assigned) Parent Serial No. 09/292,437
Filed: October 18, 2004) Parent Filed: April 15, 1999
For: IDENTIFICATION OF SORTASE) Attorney's Docket No. 39754-0791 D1
GENE) Customer No. 25213

EXPRESS MAIL LABEL NO. EL 993 687 779 US
DATE MAILED: NOVEMBER 15, 2004

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97**MAIL STOP AMENDMENT**

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Listed below or on an attached Form PTO-1449 is information known to applicant(s). A copy of each listed publication and U.S. and foreign patent, except for pending U.S. applications, is being submitted herewith, along with a concise explanation of information in a foreign language, if any, pursuant to 37 C.F.R. §1.97-1.98.

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. If form PTO-1449 is enclosed, the Examiner is requested to initial and return it in accordance with MPEP §609.

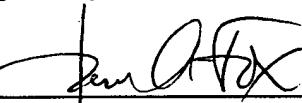
This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56.

This statement qualifies under 37 C.F.R. §1.97, subsection (b) because (check all that apply):

- (1) It is being filed within 3 months of the application filing date and is other than a continued prosecution application under § 1.53(d)
-- OR --
- (2) It is being filed within 3 months of entry of a national stage
-- OR --
- (3) It is being filed before the mail date of the first Office Action on the merits
-- OR --
- (4) It is being filed before the mailing of a first Office Action after the filing of a request for continued examination under § 1.114.

- 37 C.F.R. §1.97(c). If this statement is being filed after the latest of: (1) three months beyond the filing date of a national application; (2) three months beyond the date of entry of the national stage as set forth in §1.491 in an international application; or (3) the mailing date of a first Office action on the merits, but before the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, then:
- a certification as specified in §1.97(e) is provided; or
- a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.
- 37 C.F.R. §1.97(d). If this statement is being filed after the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, but before payment of the issue fee, then:
- A. a certification as specified in §1.97(e) is completed; and
- B. a petition under 37 C.F.R. §1.97(d) requesting consideration of this statement is submitted herewith; and
- C. a fee of \$180.00 as set forth in §1.17(i)(1) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.
- Fee Authorization.* The Commissioner is hereby authorized to charge the above-referenced fees of \$0.00 and charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. 08-1641 (Attorney's Docket No. 39754-0791D1).

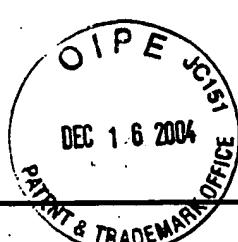
Respectfully submitted,

By: 
James Fox (Reg. No. 38,455)

Dated: November 15, 2004

HELLER EHRLICH WHITE & MCAULIFFE LLP
275 Middlefield Road
Menlo Park, California 94025-3506
Telephone: (650) 324-7000
Facsimile: (650) 324-0638

COPY



INFORMATION DISCLOSURE STATEMENT PTO-1449	ATTY. DOCKET NO.:	SERIAL NO.:
	39754-0791D1	To Be Assigned
	APPLICANT : Olaf SCHNEEWIND, et al.	
	FILING DATE: October 18, 2004	GROUP: To Be Assigned

FOREIGN PATENT DOCUMENTS

EXAMINER'S INITIALS	PATENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
	0 786 519 A	7/30/1997	EP			<input type="checkbox"/>	<input type="checkbox"/>
10	WO 99/09145 A	2/25/1999	PCT	C12N		<input type="checkbox"/>	<input type="checkbox"/>
BE PROVIDED	WO 98/50554 A	11/12/1998	PCT	C12N		<input type="checkbox"/>	<input type="checkbox"/>
ENCLOSED	WO 97/08553 A	3/6/1997	PCT	G01N		<input type="checkbox"/>	<input type="checkbox"/>
	WO 93/18163 A	9/16/1993	PCT	C12N		<input type="checkbox"/>	<input type="checkbox"/>
	WO 98/18931 A	5/7/1998	PCT	C12N		<input type="checkbox"/>	<input type="checkbox"/>

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

Baba, Tadashi, et al., "Target cell specificity of a bacteriocin molecule: a C-terminal signal directs lysostaphin to the cell wall of <i>Staphylococcus aureus</i> ", The EMBO Journal, Vol. 15, No. 18, pp 4789-4797, 1996.
Mazmanian, Sarkis K., et al., "Staphylococcus aureus sortase, an enzyme that anchors surface proteins to the cell wall", Science, Vol. 285, No. 5428, pp 760-763, July 30, 1999.
Navarre, William W., et al., "Cell Wall Sorting of Lipoproteins in <i>Staphylococcus aureus</i> ", Journal of Bacteriology, Vol 178, No. 2, pp 441-446, January 1996.
Noback, M.A., "B. subtilis chromosomal DNA", Database Accession No. X96983, March 29, 1996
Pan, X.S., "Streptococcus pneumoniae gyrA and partial 1dh gene", Database Accession No. AJ005815, Jan. 7, 1999.
Schneewind, Olaf, et al., "Sorting of Protein A to the Staphylococcal Cell Wall", Cell, Vol. 70, pp 267-281, 1992.
Schneewind, Olaf, et al., "Cell Wall Sorting Signals in Surface Proteins of Gram-Positive Bacteria," EMBO J., Vol. 12, pp. 4803-4811, 1993.
Schneewind, Olaf, et al., "Structure of the Cell Wall Anchor of Surface Proteins in <i>Staphylococcus aureus</i> ," Science, Vol. 268, pp. 103-106, 1995.
Ton-That, Hung, et al., "Anchor Structure of Staphylococcal Surface Proteins," J. Biol. Chem., Vol. 272, pp 22285-22292, 1997.
Ton-That, Hung, et al., "Anchoring of surface proteins to the cell wall of <i>Staphylococcus aureus</i> , Journal of Biological Chemistry, Vol. 275, No. 13, pp 9876-9881, March 31, 2000.
Ton-That, Hung, et al., "Purification and characterization of sortase, the transpeptidase that cleaves surface proteins of <i>Staphylococcus aureus</i> at the LPXTG motif", PNAS, Vol. 96, No. 22 pp 12424-12429, October 26, 1999.
Yeung, M.K. et al., "Actinomyces naeslundi fimbrial structural subunit (fimA) and putative fimbria-associated protein genes", Database Accession No. AF019629, April 16, 1998.

EXAMINER	DATE CONSIDERED
----------	-----------------

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



CERTIFICATION

(Attachment to Information Disclosure Statement)

- 37 C.F.R. §1.97(e)(1). APPLICANT'S UNDERSIGNED ATTORNEY HEREBY CERTIFIES THAT each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the statement; or
- 37 C.F.R. §1.97(e)(2). APPLICANT'S UNDERSIGNED ATTORNEY HEREBY CERTIFIES THAT no item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the person signing this certification after making reasonable inquiry, was known to any individual designated in §1.56(c) more than three months prior to the filing of this statement.

Dated: 11/15/04

Respectfully submitted,

By:


James Fox (Reg. No. 38,455)



EL 993687779 US

Mailing Label
Label T-F June 2002

UNITED STATES POSTAL SERVICE®

Post Office To Addressee

ORIGIN (POSTAL USE ONLY)

PO ZIP Code	Day of Delivery	Flat Rate Envelope	
	<input type="checkbox"/> Next <input type="checkbox"/> Second	<input type="checkbox"/>	
Date In	Postage		
Mo. Day Year	<input type="checkbox"/> 12 Noon <input type="checkbox"/> 3 PM \$		
Time In	Military		
<input type="checkbox"/> AM <input type="checkbox"/> PM	<input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day		
Weight	Int'l Alpha Country Code	COD Fee	Insurance Fee
Ibs. ozs.			
No Delivery	Acceptance Clerk Initials	Total Postage & Fees	
<input type="checkbox"/> Weekend <input type="checkbox"/> Holiday		\$	

CUSTOMER USE ONLY

METHOD OF PAYMENT:
Express Mail Corporate Acct. No. X940466

FROM: (PLEASE PRINT)

650 324 7000

PHONE _____

PATENT & TRADEMARK GROUP
HELLER EHRMAN WHITE &
MC AULIFFE, LLP
275 MIDDLEFIELD RD

MENLO PARK

CA 94025-3506

39754-0791 DI

(JAF:SP)

DELIVERY (POSTAL USE ONLY)

Delivery Attempt	Time	Employee Signature
Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM	
Delivery Attempt	Time	Employee Signature
Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM	
Delivery Date	Time	Employee Signature
Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM	

WAIVER OF SIGNATURE (Domestic Only) Additional instructions: _____
If delivery is refused or delayed, _____
waiver of signature is requested. I wish delivery to be made without a signature by _____
addresser or addressee's agent or delivery employee unless otherwise specified.
I understand that delivery may be refused if delivery is made to an unauthorized location.
NO DELIVERY Weekend Holiday Other _____
Signature _____ Date _____ Customer Number _____

Federal Agency Acct. No. or
Postal Service Acct. No.

TO: (PLEASE PRINT)

PHONE _____

MAIL STOP Amendment
COMMISSIONER FOR PATENTS
PO BOX 1450
ALEXANDRIA

VA 22313-1450

PRESS HARD.

You are making 3 copies.

FOR PICKUP OR TRACKING CALL 1-800-222-1811 www.usps.com



RECEIVED BY THE U.S. PATENT AND TRADEMARK OFFICE:

File No. / Attorney 39754-0791 DI (JAF:SP)

Application No. 09/292,437

Date Mailed Nov. 15, 2004

Documents Information Disclosure Stmt
and PTO 1449 with 18 references

BEST AVAILABLE COPY